

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 8TH DAY OF MARCH, 2010 AT 6:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins	-Chair
	James D. Politis	-Vice Chair
	Mary W. Biggs	-Supervisors
	William H. Brown	
	Gary D. Creed	
	Doug Marrs	
	John A. Muffo	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Steve Sandy	-Planning Director
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business or Industry's Interest in Locating or Expanding Its Facilities in the Community.
1. Project # 200920
- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
1. Adjustment and Appeals Board
2. Library Board
3. NRV Economic Development Alliance
4. Parks & Recreation Commission
5. Transportation Safety Commission

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
William H. Brown	
James D. Politis	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Annette S. Perkins	

OUT OF CLOSED MEETING

On a motion by William H. Brown, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
James D. Politis	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	

CERTIFICATION OF CLOSED MEETING

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

<u>AYES</u>
James D. Politis
Mary W. Biggs
Doug Marrs
John A. Muffo
Gary D. Creed
William H. Brown
Annette S. Perkins

<u>NAYS</u>
None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

INVOCATION

A moment of silence was lead by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC HEARING

Proposed vacation and relocation of a portion of the twenty-foot Huckleberry Trail Easement that is located on the New River Mall Property.

The proposed vacation and relocation of a portion of the Huckleberry Trail on the New River Mall Property is shown more particularly on the plat entitled “PLAT OF SURVEY OF A NEW 20 FOOT AND VARIABLE WIDTH TRAIL EASEMENT OF THE “HUCKLEBERRY TRAIL” ACROSS A PORTION OF THE LANDS OF PR FINANCING LIMITED PARTNERSHIP BEING TAX PARCEL 435-(A)-41 TOWN OF CHRISTIANBURG RINER MAGISTERIAL DISTRICT MONTGOMERY COUNTY, VIRGINIA”.

The County Attorney explained that this request is part of the Huckleberry Trail Extension project by the Town of Christiansburg. In designing the construction of the expansion of the Huckleberry Trail within the New River Valley Mall property from its current terminus to Rt. 114, the existing twenty foot variable width trail easement needs to be relocated and realigned where a new easement will be dedicated and a portion of the existing easement vacated. A resolution to accept the new easement and vacate the old easement will be on the Board’s March 22, 2010 agenda for consideration.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS

Lois Crismond spoke in opposition to a real estate tax increase. Ms. Crismond expressed concerns with the economy and how many people are hurting financially and will not be able to afford a tax increase.

Bobby Way spoke in opposition to a real estate tax increase. Mr. Way stressed the elderly are on a fixed income with no raise in their Social Security and are barely affording to buy medicine, increase in utilities and grocery costs. He also questioned the need for constructing a new courthouse, the lawsuit against the State of Virginia over the proposed Norfolk Southern Intermodal Facility, and the need for new schools when numerous school facilities are vacant.

Wes Atkinson expressed his concern with the proposed real estate tax increase. Mr. Atkinson pointed out that the County’s reassessment on property is underway, which means an increase in taxes, the change in the method of assessing personal property will bring in more revenue and now the County is proposing an increase in real estate taxes. Mr. Atkinson questioned what the County is doing to cut the budget instead of increasing taxes.

There being no further speakers, the public address session was closed.

INTO WORK SESSION

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. FY 2010-2011 Budget Presentation

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
Mary W. Biggs	
John A. Muffo	
Gary D. Creed	
William H. Brown	
James D. Politis	
Annette S. Perkins	

FY 2010-2011 Budget Presentation

The County Administrator provided opening remarks on the County's proposed FY 2010-2011 budget. The proposed budget is designed to address the anticipated multi-million dollar reduction in funding from the Commonwealth. The budget strives to preserve two of the County's core responsibilities, public safety and public education.

The proposed budget recognizes that the County must either raise revenues or many of the County's services must be reduced or curtailed. Through continuation of a hiring freeze on existing vacancies, coupled with incentives to encourage early retirements, and a reduction of positions in the Commissioner of the Revenue and Treasurer's offices, will reduce county staff by 7% to 10%.

The proposed budget includes an increase in the real estate tax rate by four cents, from 71 cents to 75 cents, and includes the change in the method used for motor vehicle valuation from loan to trade.

The Assistant County Administrator provided additional information on the proposed budget. The proposed budget totals \$ 154.1 million as follows:

-School Operating Budget	\$ 91.9 million
-Other School Funds	\$ 3.8 million
-General Fund (County)	\$ 39.7 million
- Debt Service	\$ 17.8 million
-County Capital	\$.3 million
- Revenue Stabilization Fund	<u>\$.6 million</u>
Total	\$154.1 million

This total represents a reduction of \$4,854,865 from the FY 10 approved budget. The School Operating Fund alone faces a reduction of \$4.5 million.

Based on former Governor Kaine's proposal, state dollar reductions include the following:

- Reduction to Schools	(\$5.89 million)
- Reduction to Constitutional Officers	(\$1.37 million)
- Reduction in other areas	<u>(\$0.16 million)</u>
Total Reduction	(\$7.42 million)

A 4 cent real estate tax increase would generate \$2.7 million, and dollars from the change in the method used in motor vehicle valuation would generate \$0.7 million. Other revenue totaling 0.5 million from increased fees and increases in Social Services and increase in federal dollars will help offset some of the reductions.

The reduction in state dollars has a large impact on the County's general fund. A total reduction of \$1.5 million for public safety, constitutional offices and other state supported offices is anticipated. The level of state funding for constitutional offices has steadily declined over the years, increasing the amount of funding from the locality.

The proposed budget restores funding to the following constitutional offices:

Sheriff – State reductions were projected to reduce 27 positions. The proposed budget restores these positions except for 3 vacant positions the Sheriff has frozen.

Commonwealth's Attorney – State reductions were projected to reduce 2 positions. The proposed budget restores these positions.

Clerk of Circuit Court – State reductions were projected to reduce 3 positions. The proposed budget restores these positions.

Treasurer - State reductions were projected to eliminate all state funded positions, a total of 8 positions. The proposed budget restores 3 of these positions, eliminating 5 positions in the Treasurer's Office.

Commissioner of the Revenue - State reductions were projected to eliminate all state funded positions, a total of 10 positions. The proposed budget restores 6 of these positions, eliminating 4 positions plus 1 county funded position that is vacant for a total of 5 positions.

School Operating Fund – The proposed budget increases the amount of county funding to the school system by \$1 million.

If a 4 cent real estate tax increase is not approved, additional budget reductions will be required to offset any reduced revenue. Also, if the final outcome of the General Assembly budget results in additional reduction in state funding, these dollars will also be included.

Several options for additional reductions include reducing outside agencies funding, reducing hours at the County's consolidated sites, reducing library materials, reducing Department of Social Services funding, and reducing funding to the schools.

The Assistant County Administrator stated the next step is to establish a budget and tax rate to advertise for public hearing on March 29, 2010 and to vote on an Advertized Budget and Advertised Tax Rate. A resolution to consider an advertised tax rate is included on the agenda for consideration tonight. She emphasized that the advertised tax rate is not the approved tax rate but used only for advertising purposes as required by state law. The Board of Supervisors can approve the advertised rate or a lower real estate tax rate but cannot approve a higher rate as that will require another public hearing.

The Assistant County Administrator also stated the adopted budget calendar includes a work session for March 15, if needed, before the public hearing on the proposed budget. The Board of Supervisors don't see a need for a work session until after the General Assembly takes action on the state budget.

The Board of Supervisors thanked the staff for the proposed budget presentation.

OUT OF WORK SESSION

On a motion by James D. Politis, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
John A. Muffo	
Gary D. Creed	
William H. Brown	
James D. Politis	
Doug Marrs	
Annette S. Perkins	

RECESS

The Board of Supervisors took a twenty minute recess at 8:50 p.m. and reconvened at 9:10 p.m.

CONSENT AGENDA

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated March 8, 2010 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Gary D. Creed	
William H. Brown	
James D. Politis	
Doug Marrs	
Mary W. Biggs	
Annette S. Perkins	

Approval of Minutes

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously, the minutes dated October 26, 2009 were approved.

Schedule Public Hearing

R-FY-10-127
A RESOLUTION SCHEDULING A PUBLIC HEARING
DESIGNATING CERTAIN REAL PROPERTY OWNED BY
VETERAN'S MEMORIAL OF SUNNYSIDE-TOM'S CREEK, INC.
AS EXEMPT FROM TAXATION

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby schedules a public hearing for Monday, April 12, 2010 at 7:15 p.m. or soon thereafter, in the Board Chambers located on the Second Floor in the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia to hear citizen comments on a proposed Ordinance Designating Certain Real Property Owned by Veteran's Memorial of Sunnyside-Tom's Creek, Inc. Exempt from Taxation.

Appropriations and Transfers

A-FY-10-77 CIRCUIT COURT JURIES

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

210	Circuit Court - Juries	\$4,864
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
419122	Jury Reimbursements	\$4,864

Said resolution appropriates the state's portion of jury payments for criminal cases.

A-FY-10-78 CLERK OF CIRCUIT COURT TECHNOLOGY TRUST FUND

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

251	Clerk of Circuit Court	\$489
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
02250-423100	Shared Expenses	\$489

Said resolution appropriates Technology Trust fund monies to cover the cost of toner for the International Land System (ILS) computer for the Clerk's office.

A-FY-10-79 COMMONWEALTH'S ATTORNEY FORFEITED ASSET SHARING PROGRAM

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

200	Commonwealth's Attorney	\$402
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
419104	Confiscations	\$402

Said resolution appropriates monies received as part of the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

A-FY-10-80
SHERIFF
RECOVERED COSTS

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

310	Sheriff Comp Board	\$ 648
320	Sheriff County	\$ 793
322	Sheriff Project Lifesaver	<u>\$ 500</u>
	Total	\$1,941

The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
419108	Recovered Costs	\$1,441
424401	Project Lifesaver	<u>\$ 500</u>
	Total	\$1,941

Said resolution appropriates recovered costs for use by the Sheriff's department.

A-FY-10-81
SHERIFF
CORRECTION APPROPRIATION

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

FROM:

321	Sheriff Grants	(\$1,581)
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TO:

320	Sheriff County	\$1,581
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Said resolution transfers appropriated funds from the Sheriff's grant budget to the Sheriff's County budget to correct a previous appropriation inadvertently made to the wrong division in FY09.

R-FY-10-128
MONTGOMERY REGIONAL
ECONOMIC DEVELOPMENT COMMISSION
TOWN OF BLACKSBURG APPOINTMENT

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors hereby appoints **John Bush** as the Town of Blacksburg representative to the **Montgomery Regional Economic Development Commission** effective March 9, 2010 and expiring March 8, 2012.

This appointment fills the unexpired term of A. T. Leighton, Jr., resigned.

R-FY-10-129
MONTGOMERY REGIONAL
ECONOMIC DEVELOPMENT COMMISSION
TOWN OF CHRISTIANSBURG APPOINTMENT

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors hereby reappoints **Ann H. Carter** as the Town of Christiansburg representative to the **Montgomery Regional Economic Development Commission** effective March 9, 2010 and expiring March 8, 2013.

NEW BUSINESS

R-FY-10-130
RESOLUTION ESTABLISHING AN
ADVERTISED REAL ESTATE TAX RATE
AND PROPOSED FY 2010-2011 BUDGET

On a motion by William H. Brown, seconded by Mary W. Biggs and carried,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes the County Administrator to advertise a proposed Real Estate tax rate of 75 cents per \$100 of assessed valuation of real estate based on 100% of fair market value and to set a public hearing for March 29, 2010, at 7:00 p.m., or as soon thereafter, in the Montgomery County Government Center located at 755 Roanoke Street Christiansburg, Virginia in order to hear citizen comments on the proposed real estate tax rate.

BE IT FURTHER RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia, hereby authorizes the County Administrator to advertise the proposed Fiscal Year 2010-2011 Budget in the amount of \$154,055,480 and to set a public hearing for Monday March 29, 2010, at 7:30 p.m., or as soon thereafter, in the Montgomery County Government Center located at 755 Roanoke Street Christiansburg, Virginia, in order to hear citizen comments on the proposed Budget.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	Gary D. Creed
James D. Politis	Doug Marrs
Mary W. Biggs	
John A. Muffo	
Annette S. Perkins	

R-FY-10-131
RESOLUTION APPROVING THE SECOND AMENDMENT
TO THE NEW RIVER VALLEY COMMERCE PARK PROJECT
PARTICIPATION AGREEMENT

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, The County of Montgomery, Virginia, is a member of Virginia's First Regional Industrial Facility Authority ("the Authority"); and

WHEREAS, Pursuant to the Ordinance creating the Authority, the member localities of the Authority entered into an agreement providing for the rights and obligations of member localities including the ability of member localities to enter into one or more participation agreements for the development of one or more specific industrial facility projects; and

WHEREAS, The New River Valley Commerce Park Project Participation Agreement was entered into on October 14, 1999, by the County of Montgomery with certain other member localities of the Authority to develop the New River Valley Commerce Park Project; and

WHEREAS, The New River Valley Commerce Park Participation Agreement was amended on August 8, 2001, allowing the County of Wythe to sell its shares and withdraw from the Participation Agreement; and

WHEREAS, The member localities who entered into the New River Valley Commerce Park Participation Agreement wish to amend the Participation Agreement a second time by (1) expanding the scope of the Commerce Park Project; (2) amending the required voting approval for the acquisition or disposition of any real or personal property; (3) amending the Finance Plan; and (4) amending the Revenue Sharing Provision all more particularly shown on the attached proposed amendment entitled "Second Amendment to the New River Valley Commerce Park Project Participation Agreement".

NOW, THEREFORE BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves the attached amendment entitled "Second Amendment to the New River Valley Commerce Park Project Participation Agreement" and hereby authorizes Annette Perkins, Chair, to execute the said Second Amendment to the New River Valley Commerce Park Participation Agreement on behalf of the County of Montgomery, Virginia.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
James D. Politis	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	

Supervisor Biggs commented that a lot of hard work was put into this agreement to make it acceptable to Montgomery County. The purpose of the amendment is to update the agreement to reflect the current status of the Commerce Park and note future planning goals.

SECOND AMENDMENT TO THE NEW RIVER VALLEY COMMERCE PARK PROJECT PARTICIPATION AGREEMENT

THIS SECOND AMENDMENT TO THE PARTICIPATION AGREEMENT (the "Second Amendment to Participation Agreement") is dated this day of _____, 2010 between and among Virginia's First Regional Industrial Facility Authority and the Participants defined below.

WITNESSETH:

WHEREAS, the undersigned governing bodies are each member localities of Virginia's First Regional Industrial Facility Authority ("the Authority") a body corporate, organized and created pursuant to the Virginia Regional Industrial Facilities Act, Chapter 64 Title 15.2 of the Code of Virginia, 1950, as amended ("the Act"); and

WHEREAS, pursuant to the authority granted under the Act to enter into agreements for the development of regional economic development projects the Authority and the County of Craig, Virginia, the County of Giles, Virginia, the County of Montgomery, Virginia, the County of Pulaski, Virginia, the County of Roanoke, Virginia, the County of Wythe, Virginia, the County of Bland, Virginia, the City of Radford, Virginia, the City of Roanoke, Virginia the Town of Dublin, Virginia, the Town of Pearisburg, Virginia and the Town of Pulaski, Virginia each entered into the New River Valley Commerce Park Project Participation Agreement - Initial Phase dated as of October 14, 1999 ("the Participation Agreement") for the development of the Commerce Park Project; and

WHEREAS, on August 8, 2001, the Participation Agreement was amended whereby County of Wythe was allowed to sell its shares to the remaining participants and withdraw from the Participation Agreement leaving the County of Craig, Virginia, the County of Giles, Virginia, the County of Montgomery, Virginia, the County of Pulaski, Virginia, the County of Roanoke, Virginia, the County of Bland, Virginia, the City of Radford, Virginia, the County of Roanoke, Virginia, the Town of Dublin, Virginia, the Town of Pearisburg, Virginia, and the Town of Pulaski, Virginia as the remaining participants ("the Participants"); and

WHEREAS, the Authority and the Participants desire to amend the Participation Agreement a second time by (1) expanding the scope of the Project Description to include all actions taken place to date and to acknowledge planning and feasibility analysis of those activities and projects that are in the Commerce Park adopted Program of Work; (2) amending the required voting approval before the Participation Committee may act to lease, use, sell encumber, transfer or dispose of any real or personal property comprising of part or all of the Project; (3) amending the Finance Plan for the project by including the use of money from the sale of surplus property and the use of surplus Authority dues money upon unanimous consent of all member jurisdictions of the Authority, allowing the Authority to pledge such surplus Authority money, as well as confirm the outstanding debt on behalf of the Commerce Park; and (4) amending the Revenue Sharing provision to provide for the sharing of Business Personal Property taxes and Real Estate Taxes between the host community Pulaski County and the Participants with a portion of this additional revenue to be eligible to be offered by the Participants as incentive to attract businesses to the Commerce Park.

NOW, THEREFORE, The Authority and the Participants agree and consent as follows:

1. That the Participation Agreement is amended in accordance with this Second Amendment to the New River Valley Commerce Park Project Participation Agreement and except as amended by the First Amendment and this Second Amendment, the Agreement is confirmed, reiterated and ratified.
2. The Scope of the Project Description as defined in paragraph I. of the Participation Agreement is hereby amended to include the following additional components:
 - acquisition of all land located in Pulaski County, Virginia, now titled to the Authority, including:

Tax Map Parcel	Acres from Tax Map	From:
036-005-0000-0003	411.981	J. B. Collins, El & Sally Cloyd Collins Evans: Douglas R. Cullip & Emogene R. Cullip and Industrial Development Authority of Pulaski County, Virginia
047-048-0000-0004	36.520	Douglas R. Cullip & Emogene R. Cullip; and Andy & Becky Cullip
047-048-0000-0010	65.222	Cullips and Evans/Collins in buffer zone
036-003-0000-0005	5.000	New River Valley Airport Commission member governments for entrance road
036-003-0000-0006	5.000	Pledged for transfer to NRV Airport Commission
036-005-0000-0003	340.898	Edwina Dalton Phillips purchase
037-001-0000-0021	55.102	Edwina Dalton Phillips donation
Total Acreage	919.723	From Tax Map
Developable Acreage	657.500	From May 2004 Master Plan

- wastewater capacity reservation and cost recovery agreement of November 3, 2005 for 24 " sewer gravity main crossing Shelor Race Complex
- transfer of five acres to New River Valley Airport Commission member governments in return for the five acre entrance road parcel acquired from the Airport Commission

- surplus property sale of 36.532 acres zoned A-1 including former Mebane house
 - reservation of one million gallons per day (MGD) water and sewer capacity from PULASKI COUNTY PUBLIC SERVICE AUTHORITY (PSA), along with customer pledge to pay one-third (1/3) of PSA debt service for related three MGD system water and sewer expansion
 - marketing and development of large lots but also smaller lots in order to maximize the development of the Commerce Park
 - planning and feasibility analysis of those activities and projects that are in the Commerce Park adopted Program of Work including:
 - extension of rail service to Commerce Park sites;
 - extension of electric transmission line and substation to Commerce Park sites, including implementation of the American Electric Power plan of 2008;
 - extension of Virginia Department of Transportation (VDOT) roadways to serve Commerce Park sites and along border with NRV Airport for a transportation thoroughfare;
 - disposition of additional land that may be declared surplus, including landsoutheast of Rhuebush road and along the southern Commerce Park border in excess of the required 300 feet wide green-space buffer;
 - host for the proposed Virginia's Nanotechnology Park; and additional projects with project based financing pursuant to the August 8, 2001 Agreement for Project Based Financing by Virginia's First Regional Industrial Facility Authority.
3. Paragraph II of the Participation Agreement is hereby amended to require that the Participation Committee may not lease, sell, encumber, transfer or dispose of any real or personal property comprising the Project or authorize the Authority to do the same without an affirmative vote of both a majority of the shares entitled to vote and an affirmative vote of two-thirds of the Participants, which two-thirds is agreed to be seven of the eleven current members.
4. The Financing Plan as defined in paragraph IX of the Participation Agreement is hereby amended to recognize the current debt obligations for the Commerce Park and include the following additional sources of revenue:
- The proceeds of:
 - Rural Development Revenue Bond of March 19, 2002 with annual interest of 4.75% and June 30, 2009 outstanding balance of \$1,971,008;
 - Rural Development Revenue Bond of March 2, 2005 with annual interest of 4.35% and June 30, 2009 outstanding balance of \$2,218,409; and
 - A commercial bank loan of March 19, 2002 with variable interest and June 30, 2009 outstanding balance of \$1,177,588.
 - The use of money from the sale of surplus property that was previously purchased by the Participants but now deemed surplus.
 - The use of surplus Authority dues money upon unanimous consent of all member jurisdictions of the Authority authorizing the use of the surplus dues.
 - An estimated \$3.1 million loan or other financing to the Pulaski County Public Service Authority to match a grant from the US Department of Commerce Economic Development Administration to be used for the purpose of extending water and sewer infrastructure to serve the New River Valley Commerce Park, of which financing one-third is to be pledged as a capacity reservation fee to provide one million gallons per day (MGD) water and sewer capacity to the Commerce Park.

- Refunding of bonds, such as through procurement of new commercial bank financing, to replace existing commercial bank financing, or other changes in debt financing, when deemed advantageous by the Commerce Park Participation Committee to reduce the cost of existing borrowing.

This amendment to the Financing Plan shall not result in the Participants incurring any additional costs beyond the existing annual dues and their individual share payments.

5. The Revenue Sharing as defined in paragraph XII of the Agreement is hereby amended to include the sharing of additional tax revenues to include business personal property taxes and real estate taxes assessed by the host community Pulaski County to be shared between the host community Pulaski County and the Participants for a period of fifteen years as defined below once these taxes are assessed due to a business locating in the Park. The parties agree that for the years 1 through 9 Pulaski County and the Participants shall share equally 100% of the business personal property and real estate taxes assessed. For years 10 through 11 Pulaski County and the Participants shall share equally 75% of the business personal property and real estate taxes assessed. For years 12 through 13 Pulaski County and the Participants shall share equally 50% of the business personal property and real estate taxes assessed. For years 14 through 15 Pulaski County and the Participants shall share equally 25% of the business personal property and real estate taxes assessed. The parties recognize that Pulaski County's agreement to share the business personal property taxes and the real estate taxes assessed by Pulaski County as the host community with the Participants is a moral obligation and not a legal debt of Pulaski County and the payment of those additional tax revenues to the Participants is subject to annual appropriation of the Board of Supervisors of Pulaski County. The revenue generated from the business personal property taxes and the real estate taxes shall not be subject to the 5% host fee or the 1% Authority administrative fee that is applicable to revenue generated by machinery and tools tax.

The Participants agree that the business personal property and real estate taxes referenced above that would be generated in the first seven (7) years may be offered by the Participants as incentive to locate industry to the New River Valley Commerce Park upon an affirmative vote of both a majority of the shares entitled to vote and two-thirds of the Participants, which two-thirds is determined to be seven of the eleven current members.

6. If any provision of this Second Amendment to the Participation Agreement shall be held invalid by any court of competent jurisdiction such holding shall not invalidate any other provisions hereof.
7. This Second Amendment to the Participation Agreement may be executed in any number of counterparts each of which shall be an original, together they shall constitute but one and the same Second Amendment to the Participation Agreement.

VIRGINIA'S FIRST REGIONAL INDUSTRIAL FACILITY AUTHORITY

Attest:	Approved as to form:	
<hr/> Secretary of the Authority Board	<hr/> Attorney, VFRIFA	<hr/> Chairman, Authority Board

COUNTY OF BLAND, VIRGINIA

Attest:	Approved as to form:	
<hr/> Clerk, Board of Supervisors	<hr/> County Attorney	<hr/> Chairman, Board of Supervisors

COUNTY OF CRAIG, VIRGINIA

Attest:

Approved as to form:

Clerk, Board of Supervisors

County Attorney

Chairman, Board of Supervisors

TOWN OF DUBLIN, VIRGINIA

Attest:

Approved as to form:

Clerk, Town Council

Town Attorney

Mayor

COUNTY OF GILES, VIRGINIA

Attest:

Approved as to form:

Clerk, Board of Supervisors

County Attorney

Chairman, Board of Supervisors

COUNTY OF MONTGOMERY, VIRGINIA

Attest:

Approved as to form:

(s)F. Craig Meadows

Clerk, Board of Supervisors

(s)Martin McMahon

County Attorney

(s) Annette S. Perkins

Chairman, Board of Supervisors

TOWN OF PEARISBURG, VIRGINIA

Attest:

Approved as to form:

Clerk, Town Council

Town Attorney

Mayor

COUNTY OF PULASKI, VIRGINIA

Attest:

Approved as to form:

Clerk, Board of Supervisors

County Attorney

Chairman, Board of Supervisors

TOWN OF PULASKI, VIRGINIA

Attest:

Approved as to form:

Clerk, Town Council

County Attorney

Mayor

CITY OF RADFORD, VIRGINIA

Attest:

Approved as to form:

Clerk, City Council

County Attorney

Mayor

CITY OF ROANOKE, VIRGINIA

Attest: Approved as to form:

Clerk, City Council

City Attorney

Mayor

COUNTY OF ROANOKE, VIRGINIA

Attest: Approved as to form:

Clerk, Board of Supervisors

County Attorney

Chairman, Board of Supervisors

R-FY-10-132
MEMORANDUM OF UNDERSTANDING
BETWEEN THE COUNTY OF MONTGOMERY AND
THE MONTGOMERY COUNTY SHERIFF’S OFFICE AND
THE BLACKSBURG POLICE DEPARTMENT
JUSTICE ASSISTANT GRANT (JAG)

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

WHEREAS, In August 2007, The Montgomery County Sheriff’s Office and the Town of Blacksburg was awarded a Justice Assistance Grant (JAG) in the amount of \$10,295 and Montgomery County agreed to act as fiscal agent for the purpose of funding purchases of detection and evidence collection equipment for each department; and

WHEREAS, Montgomery County would pass through the monies to each agency in equal sums for a Justice Assistance Grant to support the detection and prevention of criminal activity through our local law enforcement community; and

WHEREAS, As a condition of receiving the Grant, the County of Montgomery, the Sheriff’s Office and the Town of Blacksburg are required to enter into a Memorandum of Understanding (MOU) explaining the responsibilities for the management, reporting, services, compliance and audit of the grant.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby agrees to enter into a Memorandum of Understanding between the County of Montgomery, the Montgomery County Sheriff’s Office, and the Blacksburg Police Department for the administration of the Justice Assistance Grant.

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby authorizes F. Craig Meadows, County Administrator, to execute the Memorandum of Understanding on behalf of the County of Montgomery, Virginia.

The vote on the foregoing resolution was as follows:

AYE
James D. Politis
Mary W. Biggs
Doug Marrs
John A. Muffo
Gary D. Creed
William H. Brown
Annette S. Perkins

NAY
None

R-FY-10-133
RESOLUTION OF APPRECIATION
JUDGE RAY WILSON GRUBBS

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, Ray Wilson Grubbs is a lifelong resident of Montgomery County; and

WHEREAS, Ray Wilson Grubbs was President of his Sophomore, Junior, and Senior classes at Christiansburg High School where he graduated in 1961; and

WHEREAS, Ray Wilson Grubbs graduated from Hampden Sydney College in 1965 with a B.S. Major, and graduated from the Cumberland School of Law at Samford University in 1969; and

WHEREAS, Ray Wilson Grubbs was admitted to the practice of law in Virginia in 1970 and returned to Montgomery County and joined the practice of Kenneth I. Devore; and

WHEREAS, In 1988 the General Assembly of Virginia appointed him to the General District Court Bench of the Twenty-Seventh Judicial District; and

WHEREAS, In 1994 the General Assembly of Virginia appointed him to the Circuit Court Bench of the Twenty-Seventh Judicial Circuit and reappointed him in 2002; and

WHEREAS, Ray Wilson Grubbs has served as a Chief Judge of the Circuit and as a past member of the Executive Committee of the Judicial Conference of Virginia; and

WHEREAS, Ray Wilson Grubbs initiated the construction of a new courthouse designed to meet the needs of Montgomery County citizens in the 21st century; and

WHEREAS, Ray Wilson Grubbs' unquestioned integrity, strong leadership, compassion, and dedicated service has had a lasting impact on the lives of the citizens of the New River Valley.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to the ***Honorable Ray Wilson Grubbs*** for his many years of service, leading by example and earning the deep respect and gratitude of the citizens of Montgomery County, and extends to him sincere best wishes for a long and happy retirement.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to the ***Honorable Ray Wilson Grubbs*** as a testimonial of the high esteem and appreciation in which he is regarded by the Board of Supervisors and that a copy be a part of the official minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
John A. Muffo	
Gary D. Creed	
William H. Brown	
James D. Politis	
Annette S. Perkins	

R-FY-10-134
PROCLAMATION
TAKE BACK THE NIGHT
RALLY AND MARCH

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The first *Take Back the Night* event was held in Germany in 1973 in response to a series of sexual assaults, rapes, and murders; and

WHEREAS, Five years later in the United States, a *Take Back the Night* march was held in San Francisco where over 5,000 women from 30 states participated; and

WHEREAS, Since then, marches have been held throughout the U.S., Canada, Latin America, India, and Europe; and

WHEREAS, *Take Back the Night* marches have been held in Richmond and Charlottesville, and at Hollins University, Radford University, Roanoke College, and Virginia Tech; and

WHEREAS, Marchers have called attention to violence against women—sexual harassment, misogyny, rape, and murder; this violence affects both individuals in the community and the community as a whole; and

WHEREAS, The 21st annual *Take Back the Night* Rally and March will be held Thursday, March 25, 2010 beginning at 7:00 p.m. on the Drillfield in front of the chapel at Virginia Tech to bring our community together to protest violence against women and to promote awareness of attitudes, beliefs, and behaviors which perpetuate this violence.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia supports the 21st annual *Take Back the Night* event which is part of Women's Month 2010.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
John A. Muffo	
Gary D. Creed	
William H. Brown	
James D. Politis	
Mary W. Biggs	
Annette S. Perkins	

COUNTY ATTORNEY'S REPORT

The County Attorney expressed his appreciation to Judge Grubbs for his years of service to Montgomery County and Montgomery County was fortunate to have had him. He believes Judge Grubbs is an amazing person and was a fair judge who believed in second chances.

COUNTY ADMINISTRATOR'S REPORT

The County Administrator reminded the Board of Supervisors of the League of Women Voters Breakfast Meeting on Tuesday, March 30, 2010 at 7:00 a.m.

FEMA Flood Maps are available in the Planning Department. The maps are the updated version of the flood areas in Montgomery County.

BOARD MEMBERS' REPORT

Supervisor Brown reported an employee of the County's reassessment firm was in his neighborhood last week. He had the pleasure of talking to him at length and was impressed with the employee's professionalism.

Proposed FY 10-11 Budget Supervisor Brown appealed to the citizens to come to the Budget Public Hearing on March 29, 2010. The citizens need to inform the Board what is important to them. The Board authorized a 4 cent advertised real estate tax rate increase but that does not mean the Board will approve a 4 cent increase.

He expressed his appreciation that the FY 11 budget provides additional funding for the Sheriff's Department and making public safety a priority. The reduction in state funding to the Sheriff's Department will require a reduction of 27 deputy positions. The additional county funding will restore these positions.

Supervisor Marrs agreed with Supervisor Brown's comments. The Board needs to hear from the citizens on what kind of increase they support.

Supervisor Marrs also commented on the retirement of Judge Grubbs. Although the expression "role model" is often used to describe someone, Supervisor Marrs believes that Judge Grubbs is what the definition of "role model" stands for and is a role model for all.

Western Virginia Regional Jail Authority - Supervisor Marrs reported that the Superintendent of the WVRJ announced his resignation. The WVRJA Human Resources Committee has met several times to begin the hiring process for a new Superintendent. Supervisor Marrs is the Chairman of the WVRJA Human Resources Committee and will keep the Board informed on their activities.

Supervisor Biggs also expressed her appreciation to Judge Grubbs and stated there are not enough good things that can be said about him.

FY 11 Proposed Budget – Supervisor Biggs announced that if citizens could not attend the March 29, 2010 public hearing on the proposed budget and real estate tax rate to call the Board members or send an e-mail. They value citizens input.

School Board Meeting - A reception for the new School Superintendent, Brenda Blackburn, will be held March 9, 2010. The School Board is trying to keep the public updated on the gym roof collapse at the Blacksburg High School. The high school students are attending school in the afternoon at the Blacksburg Middle School. A few concerns that have been forwarded to the School Board is additional stress on the teachers and lack of work space for the high school teachers.

APCO Utility Rate Increase - A public meeting was held on Saturday, February 27, 2010 by Delegate Armstrong to hear citizens concerns with Appalachian Power's request for a rate increase. Supervisor Biggs reported an estimated 70 people were in attendance and all expressed concern with their electric bill increasing.

Supervisor Politis commented on the retirement of Judge Grubbs. He stated Judge Grubbs was someone he admired and respected and will be missed.

FY 10-11 Proposed Budget - Supervisor Politis also urged citizens to attend the March 29th public hearing on the budget and advertised real estate tax increase.

Supervisor Creed also expressed his appreciation to Judge Grubbs. He was a great asset to Montgomery County.

FY 10-11 Proposed Budget - Supervisor Creed also urged citizens to attend the March 29th public hearing on the budget and advertised real estate tax increase. He suggested that citizens who could not attend to forward their comments to the Board.

Supervisor Perkins agreed with the other Board members’ comments on both Judge Grubbs and the proposed budget.

ADJOURNMENT

On a motion by William H. Brown, seconded by James D. Politis and carried unanimously, the Board adjourned to Monday, March 22, 2010.

The meeting adjourned at 9:55 p.m.

APPROVED: _____	ATTEST: _____
Annette S. Perkins Chair, Board of Supervisors	F. Craig Meadows County Administrator